

**City of Baltimore
Department of Finance
Rules and Regulations
FY 2010 Furlough and Temporary Salary Reduction Plan**

General Information

On September 23, 2009, the Board of Estimates approved the implementation of an employee furlough plan effective October 5, 2009 through June 30, 2010 as an integral part of a general budget reduction plan in response to continuing declining local revenues as well as State aid reductions announced by the Maryland Board of Public Works on August 26, 2009.

All City employees except those employees represented by the Fire and Police unions will participate in a series of unpaid furlough days covering the period of October 5, 2009 through June 30, 2010.

Scope

The furlough plan will include all full time, part time, temporary and contractual City employees, members of the Planning Commission, and members of the Board of Municipal Zoning and Appeals. The plan will also include employees from agencies with independent salary setting authority or independent personnel systems, employees from Baltimore Development Corporation, Parking Authority, and Office of Promotion and the Arts.

Definitions

In these guidelines the terms have the following meanings:

- A. “Furlough” – the placement of an employee in a temporary non-duty, non-pay status
- B. “Salary” – monetary compensation paid for work performed and does not include differentials or other forms of supplemental pay
- C. “Part-time Employee” – an individual who is a City of Baltimore employee who works less than a full-time work schedule and is paid hourly for the time actually worked or for time taken as paid leave. Part-time employees who work 20 hours per week or more earn leave time and are eligible for health benefits and other employee benefits.
- D. “Temporary or Seasonal Employee” – an individual who is a City of Baltimore employee on a temporary rather than a permanent basis not to exceed two years, or in some cases six months. Positions are deemed

temporary in cases of unusually heavy workloads on a temporary basis, seasonally heavy workloads, or short-term funding. Temporary employees are paid hourly for time actually worked, are not eligible for health benefits or other employee benefits, and do not earn leave time.

- E. “Contractual Employee” – any employee engaged by the City for rendering services through a contractual employment agreement approved by the Board of Estimates, including City retirees who are back working under contract. Contractual employees are paid hourly for time actually worked, are not eligible for health benefits or other employee benefits, and do not earn leave time.

Furlough Plan

The furlough plan includes a combination of designated mandatory furlough days and additional mandatory furlough days to be implemented between October 5, 2009 and June 30, 2010 in accordance with the following requirements.

The designated mandatory furlough days are days in which the City will be officially closed except for 24/7 operations, certain court operations if the courts are otherwise open for business, and trash and recycling collection.

The designated mandatory furlough days are as follows:

Friday, October 9, 2009
Friday, November 27, 2009
Thursday, December 24, 2009
Friday, January 15, 2010
Friday, May 28, 2010

The number of total furlough days required is in accordance with the following structure:

Salary Range:	Less than <u>\$50,000</u>	\$50,000 - <u>\$100,000</u>	Greater than <u>\$100,000</u>
Number of days	5	8	10
Number of days – 10-month employees	4	7	9

With some exceptions for employees who work in trash and recycling collection, certain court operations, and 24/7 operations, the designated mandatory furlough days will constitute the 5 days obligation for those employees earning less than \$50,000. An additional 3 furlough days is imposed on employees earning a salary between \$50,000 through \$100,000, and an additional 5 days is imposed on employees whose salary is in excess of \$100,000.

Ten-month employees such as crossing guards, school nurses and school health aides earning less than \$50,000 will take a total of 4 furlough days; those earning between \$50,000 through \$100,000 will take a total of 7 furlough days; and those earning greater than \$100,000 will take a total of 9 furlough days. If the public schools are open for operation on a designated mandatory furlough day, then the agencies employing the 10-month school-based employees must designate an alternate furlough day for those employees. This alternate day should be a normal workday for these employees but one when schools will not be in session (such as a professional training day for teachers).

The pay reduction amount for each permanent full-time employee will be taken in equal amounts for 19 pay periods beginning on October 9, 2009 for those employees in pay Group A and on October 16, 2009 for those employees in pay Group B. Those employees that are paid weekly will have a reduction in pay taken in equal amounts for 38 pay periods beginning October 9, 2009.

The reduction in pay will be taken as an “adjustment to gross pay” and will not reduce the employees’ current salary or hourly rate. Therefore there will be no impact on retirement benefits or cash-out rates for accrued leave at termination. Regular overtime rates will be based on current salary, not the reduced amount.

The reduction in pay for permanent full-time employees will be managed centrally from the Payroll Unit in the Bureau of Accounting and Payroll Services. However agency heads, bureaus heads and supervisors must utilize a code on E-time to designate each day that an employee has been put on furlough. Specific guidance for dealing with E-time and payroll will be provided under separate communication.

Agency heads, bureau heads and supervisors shall have responsibility to manage the additional employee furlough days in excess of the mandatory furlough days and shall have the authority to designate such employee’s furlough days. These additional furlough days shall be implemented over the period October 5, 2009 through June 30, 2010.

Part-time employees, contractual employees on City payroll, and temporary employees on the City payroll are subject to the furlough. If these part-time, contractual or temporary employees regularly work less than 20 hours per week, then the 5 designated mandatory furlough days constitutes their furlough requirement, regardless of how many hours they would normally work on that day. If a designated mandatory furlough day is not a normally scheduled workday for the employee, then they must take a furlough day on an alternate regularly scheduled workday. If they are required to work on a designated mandatory furlough day, due to trash and recycling collection, 24/7 operations, court operations, or an emergency situation, then they must take an alternate furlough day on a regularly scheduled workday.

Part-time, contractual and temporary employees who regularly work 20 or more hours per week are subject to the same number of furlough days as full-time permanent employees based on the equivalent annualized salary for their hourly rate. That is, those

part-time, contractual or temporary employees who regularly work 20 or more hours per week and earn less than \$24 per hour (equivalent of \$50,000 per year) are subject to 5 furlough days; those earning between \$24 per hour and \$48 per hour (equivalent of between \$50,000 and \$100,000 per year) are subject to 8 furlough days; and those earning more than \$48 per hour (equivalent of more than \$100,000 per year) are subject to 10 furlough days.

Part-time, contractual and temporary employees who regularly work 20 or more hours per week will not work on the 5 designated mandatory furlough days and will not be paid for those days. For those earning less than \$24 per hour, these 5 designated mandatory days will constitute their furlough requirement. If one of the 5 designated mandatory furlough days is not normally a work day for any of these employees, then their supervisor must ensure that they take another normally scheduled work day off to constitute the furlough requirement. For those that earn more than \$24 per hour, their supervisors must ensure that they take another 3-5 normally scheduled work days off, in addition to the 5 mandatory furlough days, to constitute the rest of their furlough requirement.

If a temporary, contractual or part-time employee is required to work on one of the 5 mandatory furlough days due to a 24/7 operation, trash or recycling collection, or court operations, then supervisors must ensure that the employee takes another regularly scheduled work day off with no pay to meet the mandatory furlough requirement.

The furlough pay deduction for temporary, contractual and part-time employees will not be spread across the 19 pay periods because these employees are paid on an hourly basis only for time worked. Instead, the deduction in pay will be taken in the paychecks for those pay periods when the furlough time is taken.

Temporary or contractual employees provided through a vendor arrangement, as opposed to being on City payroll, are subject to the furlough as well. Examples of such employees include those provided via the City's temporary services contracts with Abacus, America on Demand, 1st Choice, etc. as well as staff providing the information technology support contracts with TCS or Digicon. For every month or part of a month on the job, these vendor-provided employees must be put off work for one half-day from their regularly scheduled work days during that same month. Supervisors and agency heads will be responsible for monitoring this to ensure the time off is taken and the City is not billed by the vendor for the furlough time taken. If the month includes a mandatory furlough day then the contractor should not work that day, and that day can count toward the half-day requirement for that month.

Ten-month employees (crossing guards, school nurses and health aides, etc.) are subject to the furlough and their pay will be deducted in the same manner as permanent full-time employees. If the City public schools are open for operation on any of the mandatory furlough days, then the respective agencies who employ these school-based employees will work to identify alternative furlough days for these employees, coinciding with other school closure days.

No employee may work during scheduled furlough time except that in the event of an emergency, the appointing authority may revoke furlough time and the employee shall be paid for the time worked. If furlough time is revoked, the employee must be rescheduled for additional furlough time by the supervisor equivalent to the revoked furlough time.

An employee may not work in excess of the employee's normal workweek reduced by the furlough time taken during such workweeks. Therefore an employee shall not earn overtime pay or compensatory time during a workweek in which furlough time is taken and may not request authorization to work such overtime. Supervisors shall not permit an employee to work overtime during a workweek in which the employee takes furlough time.

Personnel actions such as promotions or reclassifications which occur after October 2, 2009 shall not affect the number of furlough days/hours designated. These actions also shall not affect the amount of payroll deduction taken, which is based on the employee's annual salary as of October 2, 2009.

An employee who is on paid leave (whether it is granted by leave bank, Employee-to-Employee Donated leave, Family and Medical Leave Act-qualifying leave, Accident leave or any other paid leave) is included in the furlough plan and furlough time shall be scheduled in accordance with the furlough structure. However, employees on active duty military leave will not participate in the furlough plan during the period they are deployed on active duty. If they return to full duty with the City before June 30, 2010, they will participate on a prorated basis for the time remaining.

Furlough time for an employee hired on or after October 5, 2009 will be prorated based on the employee's start date.

Furlough deductions charged to an employee receiving out-of-title pay or in an acting capacity is based on the employee's regular pay, not the out-of-title pay or acting capacity pay.

For leave accrual, an employee on furlough time shall be considered to be on paid leave. The furlough will not affect the retirement credit earned.

For benefits and seniority purposes, an employee on furlough time shall be considered to be on paid leave.

Employees may not substitute paid leave or compensatory time earned for a furlough day.

All furlough time must be taken in full-day increments *with the exception of part-time employees who work less than 20 hours per week.*

If an employee leaves City service before June 30, 2010, no action is necessary to reimburse the employee for any amount of furlough deductions taken from their pay in excess of the number of furlough days taken as of the time they leave City service.